

## II. RESPONSE TO OFFICE ACTION

The Office Action rejected Claims 1-6, 21-26 and 28 and objected to claims 7-20 and 27. Reconsideration of the claims in light of the above amendments and the following remarks is respectfully requested. The Examiner's comments from the Office Action are reprinted below in 10-point bold type and are followed by Assignee's remarks.

### A. Claim Objections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C.102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless \_

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-6, 21-26 and 28 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. 4,747,430 to Stata et al. The patent to Stata et al. discloses a process and apparatus for repair of a pipeline comprising the steps of applying first and second split sleeves (2, 3), associating a first end of the first sleeve to a first end of the second sleeve and applying a compressive force with compression unit (14) until the internal diameter of the pipe experiences compressive hoop strain. The associating of first ends of the first and second sleeves is accomplished by welding, and the second ends are tensioned (pulled) together by the clamp assembly, thereby providing a compressive force onto the pipe. Pressure gages 6 and 7 are located at the pipe internal surface under the sleeve. The pipe is internally pressurized to 500 psi without the sleeve in place to limit the compression of the sleeves. Table III illustrates the value of the stress values during and after installation of the sleeve. In particular gauge 6 indicates a negative value, which denotes compression, at the time of tensioning of the sleeves and though the compression is less at the time of welding of the second ends, and later when the internal pressure is increased, it is shown that when the clamp is removed and the pipe is no longer internally pressurized, the internal surface of the pipe is again in compression as a result of the sleeve, as recited in claims 1. The compressive hoop strain is substantially uniform within the section of pipe, along the length of the section being repaired, as recited in claim 2. The stress value of -6600 appears to exceed the recited microstrain value of 100, recited in claims 3 and 22.

Allowable subject matter

2. Claims 7-20 and 27 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Without acquiescing to the characterization of Strata found in the Office Action or the application of Strata to the originally-filed claims, Assignee has amended the pending claims as follows in an effort to move this case along: (Objected to) claim 7 has been amended rewritten

in independent form to include the limitation of base claim 1; claims 2 and 3 now depend, directly or indirectly from claim 7. Accordingly, claim 1 has been canceled without prejudice. As such -- and because it is believed the prior art of record does not disclose, teach, or suggest the limitations of claim 7 as amended -- it is believed claim 7 is in condition for allowance. Further, claims 4-6 have been amended to depend from (now allowable) claim 7

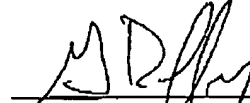
Objected-to Claim 27 has been written in independent form, to include the limitations of claims 21, 23, 25, and 26. Claims 22 and 23 have been amended to depend, directly or indirectly, from claim 27. As such -- and because it is believed the prior art of record does not disclose, teach, or suggest the limitations of claim 27 as amended -- claim 27 is believed to be in condition for allowance. Claims 21, 25, and 26 have been canceled without prejudice. Claim 24 has been amended to depend from claim 27. Claim 28 has been cancelled in an effort to move this case along, without acquiescing to the application of the prior art to claim 28 of the Office Action. Further, Assignee respectfully reserves the right to pursue the claims as originally filed, or additional claims, in continuation applications.

## **B. CONCLUSION**

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The patents to Goglio et al., Smyth et al., Pfeifferle, Dubey, and Smith are all pertinent to Applicant's invention in disclosing pipe repair devices that include split sleeves to encircle the breach in the pipeline. Valdevit et al. is pertinent in disclosing a hoop strain measuring device.

Again, it is believed that The Examiner is invited to contact the undersigned attorney at 713.787.1478 with any questions, comments or suggestions relating to the referenced patent application.

Respectfully submitted,



Gregg A. Duffey  
Reg. No. 42,501  
Attorney for Assignee

HOWREY LLP  
1111 Louisiana, 25<sup>th</sup> Floor  
Houston, Texas 77002-5242  
(713) 787-1400

Date: Dec 30, 2005